

Serial No.: 09/917,205

Art Unit: 2875

Remarks

Applicants wish to express their sincere appreciation for the time that Examiner Sember spent with Applicants' representative during a personal interview on April 17, 2003. During the interview, the Examiner clarified that the Office Action mailed March 12, 2003 is indeed a non-final rejection and not a final rejection as indicated on PTO Form 326. Also, the distinctions between the present invention and the Mouchi reference were discussed.

Applicants also wish to express their appreciation for the Examiner's indication of allowable subject matter, wherein claims 19-26 have been indicated as allowable and claims 6-8 and 11-14 have been indicated as being allowable if rewritten in independent form.

Claims 1-26 have now been canceled and newly added claims 27-45 are now pending in the present application. In light of these amendments, reconsideration of the present application is respectfully requested.

Response to 35 U.S.C. 102(b) Rejection:

Claims 1-5, 9, 10, and 15-18 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Mouchi. This rejection has been rendered moot by the cancellation of these claims. With respect to new claims 27-45, Applicants respectfully request that the Examiner kindly withdraw the rejection because Mouchi does not disclose a "lamp holder" that comprises a base having a lamp channel for receiving a lamp, a contact member for contacting a lamp and for contacting an electrical conductor in the track frame, and a retention piece for securing the contact member within the base, as claimed. Instead, Mouchi discloses a track frame 22 and a housing sleeve 16 having features for adjustably positioning a contact member within the track frame 22.

Claim 27:

Independent claim 27 has been added to clarify the claim language and is believed to distinguish the present invention from the Mouchi reference. Further, the new claims clarify the distinction between the lamp holder and the track

Serial No.: 09/917,205

Art Unit: 2875

frame of the track lighting network. In this regard, claim 27 is directed to a lamp holder "for attaching to a track frame of a track lighting system." The lamp holder includes a base, a contact member, and a retention piece. The base of the lamp holder includes a lamp channel for receiving a lamp. The contact member includes first and second portions, the first portion arranged in the lamp channel for contacting the lamp and the second portion arranged for contacting an electrical conductor in the track frame. The retention piece secures the contact member within the base.

In contrast, Mouchi is directed to a housing sleeve 16 and a track frame 22 wherein a contact member 8 is positioned adjustably to contact a "pre-selected track rail conductor thereby providing for a selection of different electrical circuits to which to connect the circuit element" (see Abstract). The Office Action alleges that the Mouchi track frame 22 corresponds to the "base" that was recited in the canceled claims. However, the Mouchi track frame 22 does not include "a lamp channel for receiving a lamp." In fact, Mouchi does not disclose a lamp, much less a base that receives a lamp and is further configured to secure a contact member.

Mouchi also fails to disclose an electrically conductive contact member that includes a "first portion...contacting the lamp" and a "second portion...contacting an electrical conductor in the track." Instead, Mouchi discloses contact members 8 and 9 that contact two of three conductors 23, 24, and 25 of the track frame 22 at one end and wires 35 and 36 at the other. Mouchi fails to teach or suggest a contact member having portions thereof contacting both the lamp that is received in the base and an electrical conductor in the track frame. Moreover, this would not be possible since the contact members 8 and 9 do not extend beyond the housing sleeve 16 for contact with a lamp. Furthermore, Mouchi teaches away from a contact member contacting both a lamp and a track conductor because Mouchi's contact member 8 can be slidably positioned to engage either electrical conductor 23 or 24 (see col. 4, lines 22-33). The contact member 8 slides vertically to engage either conductor,

Serial No.: 09/917,205
Art Unit: 2875

thereby making any electrical contact at the opposite end, especially contact with a lamp, more difficult.

Claim 27 further includes a retention piece "for securing the contact member within the base." Although Mouchi's spring 10 appears to secure the contacts 8 and 9, it does not secure a contact member "within the base" that receives the lamp. Since Mouchi fails to teach or suggest the elements of the lamp holder of claim 27, Applicants assert that independent claim 27 is allowable over Mouchi.

Claim 35:

Independent claim 35 includes means for receiving a lamp within a lamp channel, means for contacting the lamp and for contacting an electrical conductor in the track frame, and means for securing the contacting means within the receiving means. Applicants assert that Mouchi fails to teach or suggest these claimed features and that claim 35 should therefore be allowed.

Claim 43:

Independent claim 43 includes at least the features claimed in claim 27 and is likewise believed to be allowable over the prior art of record for at least the reasons stated above. Claim 43 further recites additional features that further distinguish this claim from Mouchi or the other references of record.

Claims 28-34, 36-42, 44, and 45:

Claims 28-34, 36-42, 44, and 45 are believed to be allowable for at least the reason that these claims depend, directly or indirectly, from allowable independent claims 27, 35, or 43.

Serial No.: 09/917,205

Art Unit: 2875

If there are any questions concerning this amendment or the application in general, then the Examiner is urged to contact the undersigned by telephone in order to expedite prosecution.

Respectfully submitted,

Date: May 13, 2003



Glenn W. Brown

Reg. No. 51,310

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway, N.W.
Atlanta, Georgia 30339
(770) 933-9500
Customer No. 24504

F.A. 7
MAY 14 2003
TECHNOLOGY CENTER 2800